

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
DARLING.VIP2719[at]GMAIL.COM
THAT IS STORED AT PREMISES
CONTROLLED BY GOOGLE LLC

Case No. 1:23-mj-

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Joseph Iannaccone, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with certain accounts that are stored at premises owned, maintained, controlled, or operated by Google LLC. (“Google”) hereinafter referred to as the “Provider.” Google is an electronic communications service and/or remote computing service provider. Google LLC is headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Special Agent with the United States Food and Drug Administration, Office of Criminal Investigations (“FDA-OCI”) assigned to the Boston Resident Office. As a

Special Agent, I am responsible for investigating violations of the Federal Food, Drug, and Cosmetic Act (“FDCA”), Title 21, United States Code, Sections 301 *et seq.* and other applicable violations of Title 18 of the United States Code. The FDA is charged with the responsibility of protecting the health and safety of the American public by enforcing the FDCA. I have been employed as a Special Agent with FDA-OCI since November 2019. Prior to November 2019, I was employed as a Special Agent with the United States Department of Homeland Security (DHS), Homeland Security Investigations (HSI) for approximately ten years. While employed by HSI, I investigated federal criminal violations related to high technology or cybercrime and crimes involving national security. I have gained experience through training and everyday work related to these types of investigations. I have received training in the area of public health and cybercrime and have been the affiant on several federal search warrant applications. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including Title 21, United States Code, Sections 301 *et seq.*, and I am authorized by law to request a search warrant.

PURPOSE OF AFFIDAVIT

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 21, United States Code, Sections 331(a) and 331(d) (introduction of misbranded and unapproved new drugs into interstate commerce); Title 21, United States Code, Sections 841 and 846 (distribution and possession with the intent to distribute controlled substances, and conspiracy to do the same); Title 18, United States Code, Section 545 (smuggling goods contrary to law), and Title 18, United States Code, Section 1956(a)(2) (international money laundering) (hereafter, “the Target Offenses”) have been

committed by the operators of online pharmacy network Rx Care and other unidentified conspirators.

4. This affidavit is being submitted in support of an application for a search warrant to search and seize records and data from the following email account:

DARLING.VIP2719[at]GMAIL.COM

5. The request is for the period March 30, 2021 to the present (as described in more detail in Attachment A). There is probable cause to believe that the email account, darling.vip2719[at]gmail.com, contains fruits, evidence, and instrumentalities of the Target Offenses, as described in Attachment B.

6. The facts in this affidavit come from my personal observations and review of records, and my training and experience. This affidavit includes only those facts I believe are necessary to establish probable cause for the requested warrants and does not include all of the facts uncovered during the investigation.

BACKGROUND ON THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

7. FDA is the federal agency charged with the responsibility of protecting the health and safety of the American public by enforcing the FDCA. One purpose of the FDCA is to ensure that drugs are safe and effective for their intended uses and bear labeling that contains true and accurate information. The FDA's responsibilities under the FDCA include regulating the manufacture, labeling, and distribution of drugs shipped or received in interstate commerce.

8. The FDCA defines a "drug" to include "articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man," and "articles...intended to affect the structure or any function of the body of man." 21 U.S.C. § 321(g)(1)(B) and (C).

9. Under the FDCA, a drug is deemed to be misbranded if its labeling is false or misleading in any particular. 21 U.S.C. § 352(a).

10. “Labeling” is defined under the FDCA as “all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.” 21 U.S.C. § 321(m). In turn, the term “label” includes “written, printed, or graphic matter upon the immediate container of any article.” *Id.* at § 321(k).

11. Under the FDCA, a “new drug” is any drug which was not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof. 21 U.S.C. § 321(p)(1). To be lawfully introduced into interstate commerce for commercial distribution, new drugs require an approved marketing application, including new drug applications (“NDAs”) or abbreviated new drug applications (“ANDAs”). 21 U.S.C. § 355(a).

12. Under the FDCA, “prescription drugs” include drugs that, because of their toxicity and other potential for harmful effects, are not safe for use except under the supervision of a practitioner licensed by law to administer such drugs. 21 U.S.C. § 353(b)(1)(A).

13. Under the FDCA, a drug is deemed to be misbranded if it is a prescription drug and it is dispensed with the valid prescription of a medical practitioner licensed to administer prescription drugs.

FDCA PROHIBITED CONDUCT AND PENALTIES

14. The FDCA prohibits doing or causing the following acts:

- i. Introducing or delivering for introduction into interstate commerce any drug that is misbranded. 21 U.S.C. § 331(a); and
- ii. Introducing or delivering for introduction into interstate commerce any new drug that is not approved by FDA under 21 U.S.C. § 355. 21 U.S.C. §§ 331(d).

15. The FDCA defines interstate commerce to include "commerce between any State or Territory and any place outside thereof." 21 U.S.C. § 321(b).

16. Any person who commits a prohibited act in violation of 21 U.S.C. § 331(a) or (d) is guilty of a misdemeanor, regardless of any *mens rea*, punishable by a maximum term of imprisonment of one year. 21 U.S.C. § 333(a)(1). If committed with the intent to defraud or mislead consumers and/or a governmental agency, the violation constitutes a felony and is punishable by up to three years imprisonment. 21 U.S.C. § 333(a)(2).

JURISDICTION

17. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).

PROBABLE CAUSE

Introduction

18. FDA-OCI is investigating an illicit online pharmacy network referred to as "Rx Care" that is involved in the marketing, sale and distribution of unapproved and misbranded prescription drugs, including Ambien and Jardiance, and drugs containing controlled substances

including Ambien and Percocet, into the District of New Hampshire and elsewhere within the United States. As described in greater detail below, the drugs are shipped to U.S. customers from both international and domestic shippers without requiring a valid prescription. Payments for the drugs are made through various payment mechanisms including cryptocurrency and by credit card. The following paragraphs establish probable cause that darling.vip2719[at]gmail.com (“the Target Account”) contains evidence of the Target Offenses.

Rx Care

19. In August 2021, United States Customs and Border Protection (CBP) contacted FDA-OCI concerning an individual who had been importing Tapentadol to his residence in Massachusetts beginning in March 2021.

20. On March 21, 2022, FDA-OCI Special Agents interviewed the individual, who stated that he had received a “cold call” earlier in 2021 from someone who identified himself as “Colin” who offered prescription drugs for sale. The individual stated that he ordered the drugs by phone because it was convenient and stated that he may have received one or two shipments of drugs purchased through the company, including Ambien (a Schedule IV controlled substance) and Tapentadol (a Schedule II controlled substance). The individual stated that he did not provide a valid prescription from a medical practitioner during the ordering process. He stated that he received the drugs in an unsealed vitamin bottle shipped in a padded paper envelope. He also stated that he has only received products at his Massachusetts residence and does not have a post office box or alternative mailing address.

21. This individual provided an email to agents that he received on January 10, 2022, from an Rx Care Customer Support Representative named “Ivy Wood” concerning a shipment

containing Ambien. The email was received from ivy.wood.cs[at]gmail.com. The Rx Care website address listed as www.rxcscare.com was also observed on the email.

22. Open-source indices reveal that email address rxcscare[at]gmail.com is listed as a primary method of contact on the Rx Care website homepage www.rxcscare.com.

23. On March 24, 2022, I emailed “rxcscare[at]gmail.com” in an undercover (UC) capacity to inquire about purchasing Ambien, a Schedule IV controlled substance.

24. On the same day, I received an email response from “rxcscare[at]gmail.com” which included the following:

Thanks so much for reaching out sir! If you could let me know who's your friend that recommended, I'll register your account under theirs and you'll have access to all kinds of deals our long-term clients have!

As for Ambien 10 MG, we carry it from Europe, I'll list the offers below that you can choose from:

- 1) 90 pills for \$395 + 10 Extra on top;
- 2) 120 pills for \$520 + 20 Extra on top;
- 3) 180 pills for \$740 + 30 Extra on top

We'll also need to create your account, for this I'll need your billing & shipping address, phone number and a full name of yours. As for payment methods, we accept Visa, MasterCard & checking accounts. (MoneyGram, Western Union is an option too) If you have Bitcoin wallet, we accept it as well and you'll get a discounted price if you pay in BTC. Please let me know if you have any questions, thanks!

25. On March 30, 2022, I responded to “rxcscare[at]gmail.com” in a UC capacity to inquire about purchasing a three-month supply of Ambien tablets.

26. On the same day, I received an email response from “rxcscare[at]gmail.com” which included the following:

Could you please give us a call at [Redacted] and ask for Helen, she's the manager of the sales department – she will help you out with the order, she's informed and is expecting your call sir. She will give you all the information

about the products we carry along with the prices. Also, if you could provide me with your phone number that'd be great! Thanks again!

27. On March 31, 2022, FDA-OCI Boston placed a UC phone call to a number associated with Rx Care and communicated with a company sales representative named "Helen." FDA-OCI Boston also communicated with "Helen" via text messages. During this time, Helen stated that Rx Care is involved in the sale of several prescription drugs being sold to customers in the United States. "Helen" stated that her office was based in Kiev, Ukraine, however she was temporarily working from Poland due to the ongoing conflict in Ukraine.

28. During the UC telephone call, "Helen" requested customer information, including the name, address, email account and credit card information to set up a customer account prior to the UC purchase. During this time, I also inquired about purchasing Jardiance tablets in addition to the Ambien. In response, Helen advised that she would attempt to locate vendors that could fulfil the request.

29. According to Helen, the company offered Western Union, MoneyGram, Master Card, Visa, credit card and cryptocurrency as payment methods.

30. Between April 7 to April 12, 2022, I received several text messages from "Helen" on the undercover telephone line maintained by FDA/OCI. Below, is a summary of the text exchange between "Helen" and the UC.

Helen: "Hey [UC Name Redacted], how are you? I found JARDIANCE 90/25mg (Generic name EMPAGLIFLOZIN 25MG) manufacturer BOEHRINGER – ANTIDIABETIC"

UC: "Hi Helen, this is great news. Could you send me some prices?"

Helen: "I've already requested and waiting for price. I'll let you know. I just wanted to check if this one works for you"

UC: "Thank you, that will definitely work!"

Helen: “Hey [UC Name Redacted], JARDIANCE has appeared pretty expensive product. The price varies from \$14 to \$12 per pill”

UC: “Ok, is that the best price? Is it cheaper in bulk?”

Helen: “The lowest I can do is \$10 per pill on a big size package. Or, if we process the order with Bitcoin or any money transfer it will be \$9 per pill”

UC: “Ok, how big of an order do I need to make for \$10 per pill?”

Helen: “Hey [UC Name Redacted], it should be around \$3000 order, so you get \$10 per pill”

UC: “Ok, I think I want to start off with a small order for the Jardiance to try out, can you quote me a price for a small order?”

Helen: “[UC Name Redacted], small order will go with price per pill \$14. How much are you ready to spend with first order?”

UC: “I’m thinking about starting with a 2–3-month supply before I make a big order.”

Helen: “[UC Name Redacted], will 90 pills package be fine? The total will be \$1260, yet I’ll make it \$1200 for you. What do you say?”

UC: “Helen, could I start off with 60 pills for \$800?”

Helen: “Okay, let it be! Now I need to set up a profile for you. First and Last name email address shipping address billing address which payment option do you prefer?”

UC: “Ok, my name is [UC Name Redacted], my email is [UC Email Redacted]. Can you send me a quote by email or text for 60 pills of Jardiance and 90 pills of Ambien? Need a total price including shipping. Can I call you later this week after you send the total price?”

Helen: Sure! Call me any time at 877654974

UC: “Ok, I’ll call you later this week to finalize the order.”

Helen: “Amazing! Email also sent. Check spam folder if you don’t find it in inbox”

UC: “Thanks Helen, I appreciate your help”

Helen: "Always welcome"

31. On April 12, 2022, I received an email from "Helen" to an UC email account inbox maintained by FDA-OCI. The email was received from email address "h.johnson8@gmail.com" and was titled "Deals from Helen," which stated the following:

Hey [UC Name Redacted], This is my email address. Here are offers: 60 pills of Jardiance 25MG FOR \$800, 90 pills of Ambien 10 MG + 10 Extra on top for \$395. Will it work for you?

32. Toward the bottom of the email, a signature line was observed with the following:

Helen Johnson
European Pharmacies
Phone: 1-877-654-9974
h.johnson8@gmail.com
Text: 1-202-871-4830

33. On May 11, 2022, I completed an UC buy of sixty pills of Jardiance and 100 pills of Ambien via undercover text message with Helen. The total amount of the transaction was approximately \$1194 USD. I exchanged several text messages with "Helen" on the UC telephone line to complete the UC buy.

34. The Jardiance and Ambien received during this UC transaction were not approved by the FDA and distributed to me in interstate commerce without a valid prescription from a licensed medical practitioner.

Additional Undercover Purchase

35. On June 27, 2022, I sent text messages to "Helen" on the undercover (UC) telephone line to inquire about another UC buy. Below, is a summary of the texts exchanged with "Helen" from the UC.

UC: "Hi Helen, do you have any products that can be shipped domestically within the USA?"

UC: "Looking for Adderall, Ritalin or Percocet but wanted to see if you have a source in the USA?"

36. On June 28, 2022, I exchanged several text messages with "Helen" on the UC telephone line to complete the UC buy. Below is a summary of the text exchange between "Helen" and the UC.

Helen: "Hey [UC Name Redacted], we do carry Adderall-30MG, Percocet-10/325 in the US. Price is quite high. Approximately, 90 pills of Percocet [sic] comes for \$1950."

UC: "Ok, do you have any sample sizes to try out? Where is the supplier in the USA?"

Helen: "It's shipped from the US. I'll ask vendor if he can do it... and let you know"

37. On July 7, 2022, I exchanged several text messages with "Helen" on the UC telephone line to discuss an additional UC buy. Below is a summary of the text exchange between "Helen" and the UC.

UC: "I'm interested in the Percocet; do I need to do a 90-day supply, or can I do it month by month? Where is your vendor located?"

Helen: "Hey, he is in the US, but I don't know which State due to the Security reasons. The smallest amount you can purchase is 90 pills for \$1950. Btw, I haven't mentioned that payment for this product can be processed only via money transfers. Our Merchants do not allow us to complete payment on card for opioid products, again it's security measures. There are new regulations in the States, so to avoid them we have to make Western Union, MoneyGram or Bitcoin"

38. On July 12, 2022, I exchanged several text messages with "Helen" on the UC telephone line. Below, is a summary of the text exchange between "Helen" and the UC.

UC: "Ok, I'm interested in making payment via BTC if possible"

Helen: "Sure. [UC Name Redacted], do you have your own BTC or you need our help to set it up?"

UC: "I have a crypto account, just need some time to put funds in my account"

Helen: "Okay. Let me know once BTC is ready and I'll send you a link"

UC: "Ok, thanks Helen, will need some time but I'll be in touch. btw, the Ambien you sent has worked out great."

Helen: "Amazing! I'm so glad to hear that"

39. On July 21, 2022, I exchanged several text messages with "Helen" on the UC telephone line to plan the UC buy. Below, is a summary of the text exchange between "Helen" and the UC.

UC: "Hi Helen, I'm finishing up my BTC wallet and will deposit money in the account this weekend after I get paid."

Helen: "Fantastic! I'll ask vendor to keep the stock for you"

UC: "I'm still interested in buying the 90-day supply of Percocet pills. Can we plan on completing this transfer on Monday?"

UC: "How will payment work? Will you send me the vendor's BTC wallet?"

Helen: "Sounds great! I have already texted the vendor."

Helen: "Yes, I'll send you Bitcoin wallet and once reaches our account we will send your order for shipment"

UC: "Ok great, thanks Helen! I'll be in touch on Monday"

40. On or about July 21, 2022, I requested to purchase 90 Percocet pills in a UC capacity via text message for a negotiated price of \$1950.00 paid for via Bitcoin. "Helen" provided cryptocurrency wallet ID 1JfLsBft4onzbY9ks9A5QobyLrS84Ypo3K to complete the transaction on July 25, 2022.

41. On July 25, 2022, I exchanged several text messages with "Helen" on the UC telephone line to complete the UC buy of 90 Percocet pills. Below, is a summary of the text exchange between "Helen" and the UC.

UC: "Hi Helen, going to deposit money now, can you send me the BTC wallet info?"

Helen: "Happy Monday, [UC Name Redacted]. Hope you enjoyed the weekend. Sending link below. Please let me know once it's done"

Helen: "1JfLsBft4onzbY9ks9A5QobyLrS84Ypo3K"

Helen: "Please confirm that you have it"

UC: "Thanks Helen, I received the BTC wallet address, will send payment soon and confirm."

Helen: "Great. Thanks [UC Name Redacted]. Also, please confirm the shipping address once again"

UC: "Helen, payment has been sent for the Percocet, total of \$1950 minus fees. Please confirm"

UC: "Shipping address is [UC Address Redacted], Salem, NH. Name is [UC Name Redacted]"

UC: "Can you also confirm this is a 90-day supply of pills"

Helen: "[UC Name Redacted], we have received \$1755. May I ask you what kind of fees are they? Usually, it takes about \$5-30 not more."

UC: "Helen, the fees were over \$80 dollars because I used an ATM and the price of the BTC must of changed? Not sure why it would be that amount, deposited \$1950"

Helen: "Yeah, very stranger and huge fees. Just for you to know you can register on Coinbase account as far I know they have less fees. This time we will make a discount for you as it's your first transfer. I confirm shipping 90 pills. To the shipping address you mentioned. Also, I will send you the tracking number as soon as it's available. I will keep you posted with updates"

Helen: "[UC Name and Address Redacted] SALEM NH 03079"

Helen: "Order is passed for shipment."

UC: "Thank you very much for your help, Helen! I was surprised at how high the fees were for BTC. The shipping address is correct in Salem, NH"

UC: "Please keep me posted on the tracking information. Thanks again for helping me out."

Helen: "Of course, I'll do my best. This vendor sends tracking numbers a bit late in 4-5 days, but he always does. So, I'll keep you updates"

42. During the ordering process, I was not asked or informed to provide a valid prescription from a medical practitioner to complete the purchase.

43. On July 25, 2022, the FDA-OCI UC sent 0.08028098 BTC to the wallet 1JfLsBft4onzbY9ks9A5QobyLrS84Ypo3K with transaction ID 868913186433794048. The blockchain fee was listed as 0.00001000 BTC. The dollar equivalent to the transaction at the time of the transaction was \$1760.00 to complete the undercover buy.

44. On August 3, 2022, I visited the United States Post Office in Salem, New Hampshire to pick up the UC package addressed to an FDA-OCI mailbox. During this time, I took possession of a medium white USPS Priority Mail envelope with a label from "Evergreen Printing Co, 101 Haag Ave, Bellmawr, NJ 08031." USPS Tracking number 9405 5111 0810 0449 2729 31 was also observed on the label.

45. During inspection of the contents of the envelope, a sealed clear plastic zip-lock bag containing white oval shaped tablets marked as "M367" was observed in the envelope. According to open-source queries, these tablets may contain acetaminophen and hydrocodone, a Schedule II controlled substance.

46. In response, on August 3, 2022, I exchanged several text messages with "Helen" on the UC telephone line to follow up on the discrepancy with the intended UC purchase of Percocet. Percocet is a Schedule II controlled substance which contains a combination of acetaminophen and oxycodone. Oxycodone is an opioid pain medication. An opioid is sometimes called a narcotic. Acetaminophen is a less potent pain reliever that increases the effects of oxycodone. Percocet is used to relieve moderate to severe pain.

47. According to open-source indices, due of the risks of addiction, abuse, and misuse, even at recommended doses, Percocet is only prescribed when treatment with non-opioid pain-relieving medication has not been tolerated or has not provided adequate pain relief.

48. Below, is a summary of the text exchange between "Helen" and the UC.

UC: "Hi Helen, I picked up the package today in NH and it contained M367 pills. I ordered Percocet and wanted to see why hydrocodone was sent?"

Helen: "Hello [UC name redacted], let me double check with vendor. Perhaps, he messed up with product. Oh, I'm so sorry it happened again to you. Please do not open the sealed package. I'll ask you to send it to another address and you will get your Percocet"

UC: "Ok, thanks Helen. I was expecting the Percocet 10/325 pills"

Helen: "OF course. And, you will get it. I'm texting the vendor already to fix it"

49. On August 4, 2022, I exchanged several text messages with "Helen" on the UC telephone line. Below, is a summary of the text exchange between "Helen" and the UC.

Helen: "[UC name redacted], I'm passing your order for shipment (this time Percocet- for sure). If I provide you with a shipping address will you be able to ship those pills you received to our receiver?"

UC: "Hi Helen, when will the Percocet arrive? Where is the new shipping address? Just a little nervous about the police, has anyone done this before"

Helen: "Oh yes. Many times. It happened before when customer received wrong product. If you are afraid then you may indicate fake info about sender. Do not mention your name or address, come up with any other one. I have passed your order for shipment today and vendor will ship it out any days now"

Helen: "You should ship the package to SAN DIEGO California"

UC: "Ok thanks. Just send me the full address whenever you get the info."

Helen: "[Address Redacted], SAN DIEGO California, USA 92101-7893. This is the full info. I should have a new tracking number by Monday for you as tomorrow is Friday and they won't have enough time to provide"

Helen: "PS also I kindly ask you to provide me with a tracking number once you ship that package to [Name Redacted]. PSS I will make \$50 discount on your next order as an apology for this mess"

UC: "Ok thanks for the information, Helen, please let me know when the Percocet is shipped."

50. On August 24, 2022, FDA-OCI in coordination with the United States Postal Inspection Service (USPIS), received the new package, a medium sized manila envelope with a

label from "APM Solutions, PO Box 118, Roswell, Georgia." USPS Tracking number 9400111108033593576341 was also observed on the label.

51. The envelope contained a sealed clear plastic zip-lock bag containing yellow oval shaped tablets marked as "E 712" on one side and "10/325" on the other side. According to open-source queries, these tablets appear to be a prescription drug named "Endocet." Open-source documents indicate that "Endocet" contains a combination of acetaminophen and oxycodone. Oxycodone is an opioid pain medication and a Schedule II controlled substance. Acetaminophen is a less potent pain reliever that increases the effects of oxycodone. "Endocet" belongs to a class of prescription drugs called Analgesics, Opioid Combos and is used to relieve moderate to severe pain.

52. Based on review of the FDA website, I did not find a current approval for a drug named "Endocet." Additional open sources queries reveal that the Endocet brand name has been discontinued in the United States.

53. No additional information was revealed concerning APM Solution or PO Box 118 in Roswell, Georgia. Based on information received over the course of this investigation, this appears to be a fictitious company and address.

Binance and Coinbase Records

54. FDA-OCI records indicate the aforementioned Bitcoin (BTC) funds sent by the FDA-OCI UC went directly to a deposit address at cryptocurrency exchange Binance. This deposit address received approximately \$436,824 in 223 transfers between July 3, 2021 to July 25, 2022.

55. On August 1, 2022, FDA-OCI received documents from Binance for this account. According to records from Binance, the following individual opened the account that received the UC funds:

Andro Sakvarelidze

Country of Citizenship: Georgia

Email: darling.vip2719[at]gmail.com (the Target Account)

56. Investigators identified transfers between this Binance account and an account at another cryptocurrency exchange, Coinbase. Records from Coinbase indicate that Sakvarelidze has an account there as well and he listed the Target Account on his profile.

GOOGLE SEARCH WARRANT EMAIL RETURNS

57. On February 24, 2023, Magistrate Judge Andrea Johnstone from the United States District Court for the District of New Hampshire issued a search warrant and 18 U.S.C. § 2705(b) Nondisclosure Order to be served to Google for information associated with email accounts associated with Rx Care.

58. Based on a review of the records provided by Google, it appears Rx Care may also be known as “Outsourcing Solutions”. According to documents found in the email accounts, Outsourcing Solutions is located at “Taras Shevchenko blvd 36, office 6” in Kiev, Ukraine and the telephone number is +380675661126. The Director of Outsourcing Solutions is Lyudmila Loza.

59. Several Rx Care employees and email addresses identified during this investigation were linked to documentation revealing employment at “Outsourcing Solutions” including Andro Sakvarelidze. For example, one email included an attachment with a

“certificate” stating, “[t]his is to confirm that Andro Sakvarelidze is employed at ‘Outsourcing Solutions’ as the Chief Manager of Customer Service Department from October 4, 2020 up to the present.” The certificate lists his monthly salary as \$3,000 USD and is dated February 2, 2023 and signed Lyudmila Loza.

60. Additional emails and attachments reveal that “Helen’s” real name is “Olena Labadze.” Outsourcing Solutions records indicate that Labadze has been a General Manager for the company since August 23, 2018. Labadze earns \$3500 per month.

61. During a review of the Google returns, I also identified multiple emails from the Target Account related to Andro Sakvarelidze’s involvement in the unlawful pharmacy business. The name associated with the Target Account is “Andy Darlington.” Like “Helen,” I believe he may use a fake name. Some examples of emails with the Target Account are reproduced herein.

62. On April 28, 2022, the Target Account sent an email which read, “[t]alked to customer. He received both products. GG pills were like powder and Adderall bad quality. We agreed to reship GG in full amount and discuss some discount on next order.” Based on my training and experience, I believe that “GG” refers to Alprazolam.

63. On July 21, 2021, the Target account sent an email stating, “When do you think you will increase your sales in Rexher?” Rexher is a merchant used to process payments for Rx Care discovered during an OCI undercover (UC) buy. Open-source indices reveal that Rexher.com markets “Green Food Supplements.” Queries indicate that “Navitex Inc.” is the parent company of Rexher. OCI queries reveal that Navitex Inc. is located in Loveland, Ohio

and listed as a “company for profit.” The agent listed for the company is Siarhei Rudz and the company address is 4330 Green Arbors Lane in Loveland, Ohio.

64. On March 16, 2022 “Helen” sent an email to the Target Account which read:

Hello, we are ready to order first batch for P

Belbien 2500

Ksalol 2500

Tramadol 50mg Alkaloid 1000 capsules

Lorazepam Hemofarm 1000 pills

Bensedin Valium 1000 pills

Please calculate and send Bitcoin link

Thanks

65. The Target Account responded later that same day, “DONE.”

66. As previously documented, it appears Sakvarelidze is controlling the cryptocurrency wallet FDA-OCI sent UC funds to for the purchase of a Schedule II controlled substance. I believe Sakvarelidze’s email address is “darling.vip2719[at]gmail.com,” the Target Account and that he uses it to discuss the unlawful pharmacy business.

Preservation requests for target email accounts

67. On May 17, 2023, I submitted a 90-day preservation request to Google LLC for records related to the account darling.vip2719[at]gmail.com. On the same day, I received a confirmation email with a Google reference number 35122252.

BACKGROUND CONCERNING GOOGLE¹

68. Google is a United States company that offers to the public through its Google Accounts a variety of online services, including email, cloud storage, digital payments, and productivity applications, which can be accessed through a web browser or mobile applications. Google also offers to anyone, whether or not they have a Google Account, a free web browser called Google Chrome, a free search engine called Google Search, a free video streaming site called YouTube, a free mapping service called Google Maps, and a free traffic tracking service called Waze. Many of these free services offer additional functionality if the user signs into their Google Account.

69. In addition, Google offers an operating system (“OS”) for mobile devices, including cellular phones, known as Android. Google also sells devices, including laptops, mobile phones, tablets, smart speakers, security cameras, and wireless routers. Users of Android and Google devices are prompted to connect their device to a Google Account when they first turn on the device, and a Google Account is required for certain functionalities on these devices.

70. Signing up for a Google Account automatically generates an email address at the domain gmail.com. That email address will be the log-in username for access to the Google Account.

71. Google advertises its services as “One Account. All of Google working for you.” Once logged into a Google Account, a user can connect to Google’s full suite of services offered

¹ The information in this section is based on information published by Google on its public websites, including, but not limited to, the following webpages: the “Google legal policy and products” page available to registered law enforcement at lens.google.com; product pages on support.google.com; or product pages on about.google.com.

to the general public, described in further detail below. In addition, Google keeps certain records indicating ownership and usage of the Google Account across services, described further after the description of services below.

72. When individuals register with Google for a Google Account, Google asks users to provide certain personal identifying information, including the user's full name, telephone number, birthday, and gender. If a user is paying for services, the user must also provide a physical address and means and source of payment.

73. Google provides email services (called Gmail) to Google Accounts through email addresses at gmail.com or enterprise email addresses hosted by Google. Google provides an address book for Google Accounts through Google Contacts. Google Contacts stores contacts the user affirmatively adds to the address book, as well as contacts the user has interacted with in Google products. Google Contacts can store up to 25,000 contacts. Users can send messages to more than one contact at a time by manually creating a group within Google Contacts or communicate with an email distribution list called a Google Group. Users have the option to sync their Android mobile phone or device address book with their account, so it is stored in Google Contacts. Google preserves contacts indefinitely unless the user deletes them. Contacts can be accessed from the same browser window as other Google products like Gmail and Calendar.

74. Google provides an appointment book for Google Accounts through Google Calendar, which can be accessed through a browser or mobile application. Users can create events or RSVP to events created by others in Google Calendar. Google Calendar can be set to generate reminder emails or alarms about events or tasks, repeat events at specified intervals, track RSVPs, and auto-schedule appointments to complete periodic goals (like running three

times a week). A single Google Account can set up multiple calendars. An entire calendar can be shared with other Google Accounts by the user or made public so anyone can access it. Users have the option to sync their mobile phone or device calendar, so it is stored in Google Calendar. Google preserves appointments indefinitely unless the user deletes them. Calendar can be accessed from the same browser window as other Google products like Gmail and Calendar.

75. Google Drive is a cloud storage service automatically created for each Google Account. Users can store an unlimited number of documents created by Google productivity applications like Google Docs (Google's word processor), Google Sheets (Google's spreadsheet program), Google Forms (Google's web form service), and Google Slides, (Google's presentation program). Users can also upload files to Google Drive, including photos, videos, PDFs, and text documents, until they hit the storage limit. Users can set up their personal computer or mobile phone to automatically back up files to their Google Drive Account. Each user gets 15 gigabytes of space for free on servers controlled by Google and may purchase more through a subscription plan called Google One. In addition, Google Drive allows users to share their stored files and documents with up to 100 people and grant those with access the ability to edit or comment. Google maintains a record of who made changes when to documents edited in Google productivity applications. Documents shared with a user are saved in their Google Drive in a folder called "Shared with me." Google preserves files stored in Google Drive indefinitely unless the user deletes them.

76. Google provides several messaging services including Duo, Messages, Hangouts, Meet, and Chat. These services enable real-time text, voice, and/or video communications through browsers and mobile applications, and also allow users to send and receive text messages, videos, photos, locations, links, and contacts. Google may retain a user's messages if

the user hasn't disabled that feature or deleted the messages, though other factors may also impact retention. Google does not retain Duo voice calls, though it may retain video or voicemail messages.

77. Google offers a cloud-based photo and video storage service called Google Photos. Users can share or receive photos and videos with others. Google Photos can be trained to recognize individuals, places, and objects in photos and videos and automatically tag them for easy retrieval via a search bar. Users have the option to sync their mobile phone or device photos to Google Photos. Google preserves files stored in Google Photos indefinitely unless the user deletes them.

78. Google typically retains and can provide certain transactional information about the creation and use of each account on its system. Google captures the date on which the account was created, the length of service, log-in times and durations, the types of services utilized by the Google Account, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via Google's website or using a mobile application), details about the devices used to access the account, and other log files that reflect usage of the account. In addition, Google keeps records of the Internet Protocol ("IP") addresses used to register the account and accept Google's terms of service, as well as the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the Google Account.

79. Google maintains the communications, files, and associated records for each service used by a Google Account on servers under its control. Even after a user deletes a

communication or file from their Google Account, it may continue to be available on Google's servers for a certain period of time.

80. In my training and experience, evidence of who was using a Google account and from where, and evidence related to criminal activity of the kind described above, may be found in the files and records described above. This evidence may establish the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or, alternatively, to exclude the innocent from further suspicion.

81. Based on my training and experience, messages, emails, voicemails, photos, videos, documents, and internet searches are often created and used in furtherance of criminal activity, including to communicate and facilitate the offenses under investigation. Thus, stored communications and files connected to a Google Account may provide direct evidence of the offenses under investigation.

82. In addition, the user's account activity, logs, stored electronic communications, and other data retained by Google can indicate who has used or controlled the account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. Account activity may also provide relevant insight into the account owner's state of mind as it relates to the offenses under investigation. For example, information on the account may indicate the owner's motive and intent to commit a crime (*e.g.*,

information indicating a plan to commit a crime), or consciousness of guilt (*e.g.*, deleting account information in an effort to conceal evidence from law enforcement).

CONCLUSION

83. Based upon the facts detailed above, there is probable cause to believe that the **Target Account** was used in furtherance of the Target Offenses which occurred in the District of New Hampshire and elsewhere. Therefore, the Provider servers are likely to contain stored electronic communications and information concerning subscribers and their use of the Provider services. In my training and experience, such information may constitute evidence of the crimes under investigation including information that can be used to identify the account's user or users.

84. Based on the forgoing, I request that the Court issue the proposed search warrant.

85. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving the warrant on Google. Because the warrant will be served on the provider, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

Respectfully submitted,

/s/ Joseph Iannaccone
Joseph Iannaccone
United States Food and Drug Administration
Office of Criminal Investigations

Subscribed and sworn to sworn to telephonically in accordance with Federal Rule of Criminal Procedure 4.1 on **Aug 11, 2023**, 2023.



HONORABLE TALESHA L. SAINT-MARC
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with:

DARLING.VIP2719[at]GMAIL.COM (**Target Account**) operated by Google LLC. (“Google”).

Google LLC is headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Google LLC (“Google”)

To the extent that the information described in Attachment A is within the possession, custody, or control of Google, regardless of whether such information is located within or outside of the United States, and including any emails, records, files, logs, or information that has been deleted but is still available to Google, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f) on May 17, 2023, Google is required to disclose to the government for each account or identifier listed in Attachment A the following information from March 30, 2021 to the present, unless otherwise indicated:

- a. All business records and subscriber information, in any form kept, pertaining to the Account, including:
 1. Names (including subscriber names, usernames, and screen names);
 2. Addresses (including mailing addresses, residential addresses, business addresses, and email addresses, including alternate and recovery email addresses);
 3. Telephone numbers, including SMS recovery and alternate sign-in numbers;
 4. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol (“IP”) addresses) associated with those sessions, including log-in IP addresses;
 5. Telephone or instrument numbers or other subscriber numbers or identities, including any temporarily assigned network address, SMS recovery numbers, Google Voice numbers, and alternate sign-in numbers
 6. Length of service (including start date and creation IP) and types of service utilized;
 7. Means and source of payment (including any credit card or bank account number); and

8. Change history.
- b. All device information associated with the Account, including but not limited to, manufacture names, model numbers, serial number, media access control (MAC) addresses, international mobile equipment identifier (IMEI) numbers, FCC ID numbers, Android IDs, and telephone numbers;
- c. Records of user activity for each connection made to or from the Account(s), including, for all Google services, the date, time, length, and method of connection, data transfer volume, usernames, source and destination IP address, name of accessed Google service, and all activity logs
- d. The contents of all emails associated with the account, including stored or preserved copies of emails sent to and from the account, draft emails, and deleted emails; attachments; the source and destination addresses associated with each email; the size, length, and timestamp of each email; and true and accurate header information including the actual IP addresses of the sender and recipients of the emails.
- e. Any records pertaining to the user's contacts, including: address books; contact lists; social network links; groups, including Google Groups to which the user belongs or communicates with; user settings; and all associated logs and change history.
- f. Any records pertaining to the user's calendar(s), including: Google Calendar events; Google Tasks; reminders; appointments; invites; and goals; the sender and recipients of any event invitation, reminder, appointment, or task; user settings; and all associated logs and change history
- g. The contents of all text, audio, and video messages associated with the account, including Chat, Duo, Hangouts, Meet, and Messages (including SMS, MMS, and RCS), in any format and however initially transmitted, including, but not limited to: stored, deleted, and draft messages, including attachments and links; the source and destination addresses associated with each communication, including IP addresses; the size, length, and timestamp of each communication; user settings; and all associated logs, including access logs and change history.
- h. The contents of all records associated with the account in Google Drive (including Docs, Sheets, Forms, and Slides) and Google Keep, including: files, folders, media, notes and note titles, lists, and other data uploaded, created, stored, or shared with the account including drafts and deleted records;
- i. The contents of all media associated with the account in Google Photos, including: photos, GIFs, videos, animations, collages, icons, or other data uploaded, created, stored, or shared with the account, including drafts and deleted

records; accounts with access to or which previously accessed each record; any location, device, or third-party application data associated with each record; and all associated logs of each record, including the creation and change history, access logs, and IP addresses.

Google is hereby ordered to disclose the above information to the government within **14** days of issuance of this warrant.

I. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and/or instrumentalities of violations of Title 21, United States Code, Sections 331(a) and 331(d) (Introduction of misbranded and unapproved new drugs into interstate commerce); Title 21, United States Code, Sections 841 and 846 (Distribution and possession with the intent to distribute controlled substances, and conspiracy to do the same); Title 18, United States Code, Section 545 (Smuggling goods contrary to law), and Title 18, United States Code, Section 1956(a)(2) (International money laundering) (hereafter, “the Target Offenses”) have been committed by Rx Care and other unidentified conspirators. since March 30, 2021, including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

a. The sale of misbranded or unapproved new drugs/controlled substances, the manufacture of misbranded or unapproved new drugs, the distribution of misbranded or unapproved new drugs/controlled substances, the laundering and concealment of proceeds of the sale of misbranded or unapproved new drugs/controlled substances, the purchase of ingredients, precursors, manufacturing equipment and supplies for the manufacturing and distribution of misbranded or unapproved new drugs/controlled substances; and the use of Federal Express and the United States Postal Service and other shipment methods to introduce illegal and misbranded or unapproved new drugs into interstate commerce;

- b. The identity of the person(s) who created or used the Google ID, including records that help reveal the whereabouts of such person(s);
- c. Evidence indicating how and when the account was accessed or used, to determine the chronological and geographic context of account access, use and events relating to the **TARGET OFFENSES** and the account subscriber;
- d. Any records pertaining to the means and source of payment for services (including any credit card or bank account number or digital money transfer account information);
- e. Evidence indicating the subscriber's state of mind as it relates to the **TARGET OFFENSES**; and
- f. Evidence that may identify any co-conspirators or aiders and abettors, including records that help reveal their whereabouts.